

Act for securing of the Protestant Religion,

As it was past in the PARLIAMENT of Scotland, on Saturday August 13. 1681.



Our Sovereign Lord considering how necessary it is for securing the Protestant Religion, and that all his good Subjects may be fully assured that the Popish Religion shall never be introduced or tolerated in this Kingdom; and that the many excellent Laws made in favours of his Protestant Subjects are of the Protestant Religion against Popery, may attain the affected execution: That none but true and sincere Protestants exercise any publick Trust within this Kingdom; and that no Jesuit, Priest, nor trafficking Papist, who may withdraw or withhold his Subjects from the Protestant Religion, be suffered to be or abide in this Kingdom. And seeing the Act for Excluding Papists from publick Trust have no special Penalties adjoined thereto, and that there may be a clear Test to discover Papists: Therefore his Majesty, with Advice and Consent of his Estates of Parliament, statutes and declares, That whosoever being required by any Minister of the Church or Magistrate of the Kingdom, do not subscribe the Confession of Faith subjoyned to the third Act of the first Parliament of King James 6. shall be holden and reputed Papists: or who shall refuse to swear the Oath subjoyned to the said Confession, and signe the same in this form: I---or---we do declare and swear by the Eternal God, whom we call to be Judge and Witness of our Sincerity herein, That we assent to the said Confession of Faith according to the ordinary meaning of the word, without equivocation, mental reservation, and without accepting any dispensation, that we shall never endeavour or consent to any alteration of the foresaid Confession of Faith. And his Majesty, with consent and advice foresaid, statutes and ordains, That all who now are in any publick Trust, shall betwixt and the day of next to come, take the said Test in some of the places wherein they serve, and report the same to his Majesties Privy Council. And that all who shall hereafter at any time be admitted to any Place, Office, Commission, or Employment, Ecclesiastical, Civil, or Military, shall at their entry thereto take the said Test, and renew the same when required, under the pain of Confiscation of their Lands, which his Majesty now as then annexes to the Crown: and shall confiscat all sums of money heretable or movable, and all movable Goods, for the use under-written. Like as his Majesty with consent foresaid, ordains all the Ministers who are or shall be in this Church, to declare upon Oath to their Ordinary at each Diocesson meeting, whom they know or suspect within their several Parichons to be in Orders or Monastick Clovs of the Church of Rome, or other trafficking Papists whom they know or suspect to be the ressetters or hearers of them say Halls or preach, and where their Residence or Haunts are; and whom they know or suspect to be Papists in their several Paroches: And that the Bishops call before them the persons so delated, and use their best endeavours to convince them of their Errour, and unite them to this Protestant Church, and offer to them the foresaid Test: and in case of their abscence and obstinacy, that they proceed to Excommunication: And that they yearly send an Account of their diligence to his Majesties Privy Council, in the Month of November; and that they give a List of the persons delated to all the Judges ordinary in Burghs or Landwards within their respective Diocies; who are hereby ordained to take all other tryal for the discovery of those in Orders or Monastick Clovs of the Church of Rome, and other trafficking Papists, or other Papists: And that they take the Oaths of all Members of the Kirk-session, except the Minister, within the several Jurisdictions, for making of the like Declaration once at least every year: and that they use all diligence to put the Laws in execution against the persons discovered or delated, as aforesaid: And that they return account of their diligence to his Majesties Privy Council once every year in the Month of November, beginning in November next, with Certification that whosoever shall fail in their respective diligences above-written, shall omit their years Benefice or Stipend, and the said Magistrates that years Rent, in which they shall happen to fail to diligences, as aforesaid. Like as his Majesty, with Consent foresaid, declares, That all Csteats, Life-rents, and other Penalties that shall befall by the execution of this Statute, or any of the former Statutes against Papists, except the Lands to which they have redeemable right, shall belong and be divided in manner following; viz. One third part of the sums whereon Infestment have not followed, to the Poor of the Paroch where the party transgresses and resides, and the movable Goods to the Poor of the Paroches when they are found; and the sums whereupon Infestment or other affectable diligence lies followed, to the Poor of the Paroch where such Lands lie respective, except of the Life-rent of such Papists who are not amongst the Traffiquers before innumerat, which may be gifted as his Majesty shall see fit: And another third part of the saids Confiscations, to belong to the Universities and Colledges, viz. All within the University of St. Andrews, to the University of St. Andrews; except the Diocies of Ebr. to the Colledges of Ebr. and the Diocies of Aberdeen and Morray, to the Colledges of Aberdeen; and all within the Province of Glasgow, to the Colledge of Glasgow: And the other third part of the foresaid Confiscations, to belong to publick Works of the several Shires, to be applied and managed by the Judges Ordinary, as Justices of Peace, or Commissioners of Excise, when there are no Justices of the Peace: And ordains all persons who are intrusted for the said Societies Pensions and Uses, to be liable for diligence to make the same effectual. And further his Majesty, with Advice and Consent foresaid, statutes and ordains and declares, That all Kings and Queens who shall succeed to the Imperial Crown of this Kingdom in time coming, at the entry to their Government, and also at their Coronation, shall promise and swear in presence of the Eternal God, whom they call as Judge and Witness of their sincere meaning and intention, To observe, without dispensation from any creature, the Oath contained in the eighth Act of the first Parliament of King James 6. And shall also swear, That they shall not endeavour or consent to the alteration or change of the Protestant Religion, nor to the abrogation or derogation of the Laws made for the same: That they preserve and defend this Protestant Church in the just Rights and Priviledges thereof, as now by Law established: That they shall give no Grant of any Trust, Office, or Employment within this Church or Kingdom, but whom they believe to be of the true Protestant Religion: And that they shall always allow & never hinder the standing and executing of the Laws for removing of Priests or others in Orders or Monastick Clovs to the Church of Rome, out of any Office, Place, or Trust, or Employment Ecclesiastick, Civil, or Military, within this Kingdom; and shall invincibly preserve the Liberty and Property of the Subjects of this Kingdom, as the Lord and Father of Mercy shall be merciful to them: And ordains, That any Regent, Tutor, or Governour, that shall be named to any King or Queen in this Kingdom, shall take the foresaid Oath at their entry to their Government; which Oaths shall be written and subscribed at the times of taking thereof above-written, and shall be registered and recorded in the Books of Parliament, Privy Council, and Sessions. And likewise his Majesty, with Consent foresaid, statutes and ordains, That the nearest person to himself of the Royal Family, shall solemnly swear that he shall never endeavour or consent to the alteration of the Protestant Religion in this Kingdom, or to the abrogation of the Laws made for the same, and shall never hinder the standing and executing of the Laws made for removing out of this Kingdom all Priests and others in Orders and Monastick Clovs of the Church of Rome, and other trafficking Papists who shall endeavour to withdraw the Subjects of this Kingdom from the Protestant Religion: or the Laws made for removing from all places of Trust in this Kingdom in Church, State, or Armies, any person whatsoever that shall not subscribe the Confession of Faith and Oath subjoyned thereto; which is hereby declared sufficient in place of any other Test for exercising and injoyning any Place or Office Civil or Military within this Kingdom. And that whensoever any other who shall hereafter become nearest to the King in the Blood-Royal for the time being Major, or attaining that age, he shall then immediately swear and subscribe the foresaid Oath; which Oath shall be recorded in the Books of Parliament, Council, and Session.